



State of Wisconsin
Department of Commerce

**ENVIRONMENTAL AND
REGULATORY SERVICES**

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Program Letter

Division of Environmental and Regulatory Services

Revised Sept. 1998

Designation of Snowmobiles, All Terrain Vehicles and Trains as Motor Vehicles

A recent regulatory issue brought into question the ILHR 10 definition of *motor vehicle* and the department's position that snowmobiles and ATVs are included in this designation.

ILHR 10.01 Definitions

(55) "Motor Vehicle" means a self-propelled motor-driven vehicle which is used for moving people or products on land, water or air.

The basis for the issue is the definition of Motor Vehicle in s. 340.01(35), Stats., which includes the sentence "A snowmobile and an all-terrain vehicle shall only be considered motor vehicles for the purposes made specifically applicable by statute." The issue being "How can the department designate snowmobiles and ATVs as motor vehicles and apply the technical requirements of the code to snowmobiles and ATVs?"

The Wisconsin Department of Transportation is the governmental agency which historically maintains the application and authority for Chapter 340. Section 340.01 Words and Phrases defined, includes a sentence which limits the scope of the definitions to twelve chapters of the statute.

In s. 23.33 and chs. 340 to 349 and 351, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning.

Railroad trains and other motorized equipment which operate exclusively on a rail are specifically excluded in the s 340.01 (35) definition of Motor Vehicle.

The Table of Words and Phrases in the statute indicates that there are nineteen definitions of Motor Vehicle within the statute. Each definition is respective to a specific chapter(s) within the statutes. Chapter 101, which is the departmental statutory authority does not include a definition of Motor Vehicle. Therefore, the department's interpretation and application of the ILHR 10 definition as developed through rule promulgation is justified.

Excerpts from Section 340.01, Stats.:

340.01(29m)

(29m) "Moped" means any of the following motor vehicles capable of speeds of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind, excluding a tractor, a power source as an integral part of the vehicle and a seat for the operator:

340.01(29m)(a)

(a) A bicycle-type vehicle with fully operative pedals for propulsion by human power and an engine certified by the manufacturer at not more than 50 cubic centimeters or an equivalent power unit.

340.01(29m)(b)

(b) A Type 1 motorcycle with an automatic transmission and an engine certified by the manufacturer at not more than 50 cubic centimeters or an equivalent power unit.

340.01(30)

(30) "Motor bicycle" means a bicycle to which a power unit not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator.

340.01(31)

(31) "Motor bus" means a motor vehicle designed primarily for the transportation of persons rather than property and having a passenger-carrying capacity of 16 or more persons, including the operator. Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches.

340.01(32)

(32) "Motorcycle" means a motor vehicle, excluding a tractor or an all-terrain vehicle, which is capable of speeds in excess of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind, with a power source as an integral part of the vehicle, and which meets the conditions under par. (a) or (b):

340.01(32)(a) (a) Type 1 is a motor vehicle which meets either of the following conditions:

340.01(32)(a)1.

1. Is designed and built with 2 wheels in tandem and a seat for the operator, and may be modified to have no more than 3 wheels by attaching a sidecar to one side of the wheels in tandem without changing the location of the power source.

340.01(32)(a)2.

2. Is designed and built to have no more than 3 wheels, seating for the operator and no more than 3 passengers, and does not have the operator area enclosed.

340.01(32)(b)

(b) Type 2 is a motor vehicle designed and built to have at least 3 wheels in contact with the ground, a curb weight of less than 1,500 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top which may be convertible.

340.01(33m)

(33m) "Motor home" means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

340.01(34)

(34) "Motor truck" means every motor vehicle designed, used or maintained primarily for the transportation of property.

340.01(35)

(35) "Motor vehicle" means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. "Motor vehicle" includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile and an all-terrain vehicle shall only be considered motor vehicles for purposes made specifically applicable by statute.

340.01(41)

(41) "Operator" means a person who drives or is in actual physical control of a vehicle.

340.01(42m)

(42m) "Park or parking" means the halting of a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

340.01(46)

(46) "Private road or driveway" is every way or place in private ownership and used for vehicular travel only by the owner and those having express or implied permission from the owner and every road or driveway upon the grounds of public institutions other than public schools, as defined in s. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors.

340.01(48)

(48) "Railroad train" means every device with or without engine or motor and whether or not coupled to other similar devices, operated upon rails for the transporting of persons or property.